



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

ELP  
Docket No. 4132-00  
30 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 20 February 1979 for four years at age 17. The record reflects that you were advanced to SA (E-2) and served for ten months without incident. However, during the 13-month period from December 1979 to January 1981 you received three nonjudicial punishments (NJP) for drunk and disorderly conduct, bringing alcoholic beverages on board and drinking a portion of one beer, and possession of marijuana. During this period you were also advanced to FTMSN (E-3).

On 21 January 1981 you were counseled regarding the foregoing misconduct and warned that further misconduct could result in administrative separation under other than honorable conditions. During the eight month period from April 1981 to January 1982, you received two more NJPs for two instances of failure to go to your appointed place of duty, failure to obey a lawful order, and use of marijuana and cocaine.

On 13 January 1982 you were notified that discharge under other than honorable conditions was being considered by reason of misconduct due to drug abuse. You were advised of your procedural rights and declined to consult with legal counsel, but elected to present your case to an administrative discharge board (ADB). However, on 26 January 1982, you waived the right to an ADB provided you were recommended for a general discharge. Thereafter, the commanding officer recommended a general discharge based on your otherwise satisfactory performance within your rate. On 1 March 1982, the Chief of Naval Personnel directed a general discharge by reason of misconduct due to drug abuse. You were so discharged on 13 April 1982.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and the fact that it has been more than 18 years since you were discharged. The Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of five NJPs, two of which were for use or possession of drugs. The Board believed that you were fortunate when the commanding officer agreed to a general discharge since most individuals with records such as yours are discharged under other than honorable conditions. You have provided neither probative evidence nor a convincing argument in support of your application. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director